



STATE OF IOWA

CHESTER J. CULVER
GOVERNOR
PATTY JUDGE
LT. GOVERNOR

IOWA BOARD OF MEDICINE
ANN E. MOWERY, Ph.D.
EXECUTIVE DIRECTOR

November 13, 2008

CERTIFIED MAIL

Russell H. Berke
205 Kirkwood
Fairfield, IA 52556

NOTICE TO CEASE AND DESIST

Dear Mr. Berke:

It has come to the attention of the Iowa Board of Medicine (Board) that you are providing medical advice and treatment to members of the public without being licensed to practice medicine in Iowa. The Board received information which indicates that you hold yourself out as an energy healer and you offer services in Fairfield, Iowa. The information indicates that you perform examinations, diagnose medical conditions, and make treatment recommendations. The Board also received information which indicates that you provided treatment to Bonnie J. Fisher, a woman who was diagnosed with Hodgkin's lymphoma. The Board has very serious concerns that you discouraged Ms. Fisher from seeking traditional medical interventions. The Board also received information which indicates that you have treated numerous terminally ill patients in Iowa and Manhattan, New York. This letter is to formally advise you that you must **CEASE AND DESIST** from engaging in any conduct that constitutes the practice of medicine in Iowa.

Iowa Code Section 148.1 (2007) provides that the following persons are deemed to be engaged in the practice of medicine:


1. Persons who publicly profess to be physicians or surgeons or who publicly profess to assume the duties incident to the practice of medicine or surgery.
2. Persons who prescribe, or prescribe and furnish medicine for human ailments or treat the same by surgery.
3. Persons who act as representatives of any person in doing any of the things mentioned in this section.

A person who is engaged in the practice of medicine is required to obtain a license for that purpose. See Iowa Code Section 147.2. In the event a person engages in the practice of medicine without a license issued by the Board, the office of the Iowa Attorney General is authorized to file a civil action against that person in a state district court to obtain a permanent injunction prohibiting that person from engaging in the unauthorized practice of medicine. See Iowa Code Sections 147.83 and 147.92. Furthermore, such unlicensed practice could subject you to criminal charges, as Iowa Code section 147.103A(1) provides that a violation of Section 147.2 is a Class "D" felony.

You are hereby warned that you must **CEASE AND DESIST** from practicing medicine in Iowa without a license. If the Board receives information that you have engaged in the unauthorized practice of medicine after the date you receive this letter, a civil injunction action may be filed against you by the office of the Iowa Attorney General, and/or the case may be referred to the county attorney for consideration of criminal prosecution.

I would strongly advise you to contact your attorney to seek advice regarding this matter.

Sincerely,



Yasyn Lee, M.D., Chairperson
Iowa Board of Medicine
400 SW 8th Street, Suite C
Des Moines, Iowa 50309-4686